

ASSEMBLY BILL

No. 294

Introduced by Assembly Member Portantino

February 9, 2011

An act to add and repeal Article 6.3 (commencing with Section 217) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 294, as introduced, Portantino. Design-sequencing contracts.

Until January 1, 2010, the Department of Transportation was authorized to conduct a pilot project to let design-sequencing contracts, as defined, for design and construction of not more than 12 transportation projects. These provisions are now repealed.

This bill would reenact similar provisions, authorizing the department to let design-sequencing contracts for the design and construction of not more than 5 transportation projects, to be effective until January 1, 2015. The bill would require the department to compile data on the transportation projects pursuant to the design-sequencing contracts awarded under these provisions and to include that material in a report to the Legislature each year during which the projects are underway, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) The design-sequencing pilot program was established by
2 previous state legislation and administered by the Department of
3 Transportation. The first and second phases of the program
4 authorized a total of 24 design-sequencing projects and had a sunset
5 date of January 1, 2010. A report will be submitted to the
6 Legislature that will describe and evaluate the outcome of the
7 completed projects. Current design-sequencing indicators have
8 provided generally good assessments of the program.

9 (b) State and federal funds for transportation often require
10 projects to be awarded under time constraints.

11 (c) It is the intent of the Legislature, therefore, to provide the
12 Department of Transportation with a project delivery tool that has
13 the potential to increase efficiency, reduce costs incurred by the
14 state, and help California take advantage of available state and
15 federal funds.

16 (d) It is the intent of the Legislature that the Department of
17 Transportation be provided with interim authority to establish
18 design-sequencing contracts. Because current evaluations of the
19 pilot program show positive outcomes in time savings, the interim
20 authority will allow design-sequencing to be used as a valuable
21 tool on appropriately selected projects. This will help the state
22 utilize state and federal funds as they become available pending
23 conclusions of the pilot program's final report scheduled for
24 completion in 2015.

25 SEC. 2. Article 6.3 (commencing with Section 217) is added
26 to Chapter 1 of Division 1 of the Streets and Highways Code, to
27 read:

28
29 Article 6.3. Design-Sequencing Program
30

31 217. The following definitions apply for the purposes of this
32 article:

33 (a) "Design" is a plan completed to a level of 30 percent.

34 (b) "Design-sequencing" is a method of contracting that enables
35 the sequencing of design activities to permit each construction
36 phase to commence when design for that phase is complete, instead
37 of requiring design for the entire project to be completed before
38 commencing construction.

39 (c) A "design-sequencing contract" is a contract between the
40 department and a contractor in which the department is the

1 responsible agency for the performance of design and that permits
2 construction of a project to commence upon completion of design
3 for a construction phase.

4 217.1. (a) Notwithstanding Section 10120 of the Public
5 Contract Code, the department, at the director's discretion, may
6 let design-sequencing contracts for the design and construction of
7 not more than five transportation projects, to be selected based on
8 criteria established by the director. For the purpose of this article,
9 these projects shall be deemed public works.

10 (b) The department may use employees or consultants for
11 contracts authorized in this article, consistent with Article XXII
12 of the California Constitution. Department resources, including
13 personnel requirements, necessary for the performance of those
14 services shall be included in the department's capital outlay support
15 program for workload purposes in the annual Budget Act.

16 (c) To the extent available, the department shall seek to
17 incorporate existing knowledge and experience on
18 design-sequencing contracts in carrying out its responsibilities
19 under subdivision (a).

20 (d) Not later than July 1 of each year during which projects
21 pursuant to design-sequencing contracts awarded under this article
22 are underway, the department shall, for each of those projects
23 awarded prior to January 1, 2012, compile data, including the stage
24 of completion, district, cost, description, status, estimated time to
25 complete the project, and, as appropriate, actual time to complete
26 the project. A report containing the material described in this
27 subdivision shall be submitted to the Legislature pursuant to
28 Section 9795 of the Government Code.

29 217.2. Design-sequencing contracts under the program, as
30 described in Section 217.1, shall be awarded in accordance with
31 both of the following:

32 (a) The department shall advertise design-sequencing projects
33 by special public notice to contractors.

34 (b) Contractors shall be required to provide prequalification
35 information establishing appropriate licensure and successful past
36 experience with the proposed work.

37 217.3. The department may utilize design-sequencing authority
38 only on projects that are deemed to have a high probability of
39 success as determined by the "Design-Sequencing Project Selection
40 Criteria" contained in the "Design-Sequencing Nomination Fact

1 Sheet” developed by the department. For the purposes of this
2 section, “high probability” means there is a likelihood that a time
3 savings will be realized, construction costs will be reduced, or
4 available state or federal funds will be captured by utilizing
5 design-sequencing.

6 217.4. This article shall remain in effect only until January 1,
7 2015, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, 2015, deletes or extends that date.